

COPY

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

STIPULATED AGREEMENT Number 1015

T02-0109

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", The Burlington Northern and Santa Fe Railway Company, hereinafter referred to as the "Company", Sugar Grove Township Road District, hereinafter referred to as the "Road District", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the Gordon Road highway/rail grade crossing of the Company's main track located near Sugar Grove, Kane County Illinois, designated as crossing DOT 069 721U, milepost 42.91-B; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and

DOCKETED

procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) the Company should remove the existing warning devices and install new automatic flashing light signals and gates controlled by constant warning time circuitry;
- b) the Company should raise and repair the existing crossing surface, to comply with requirements of 92 Illinois Administrative Code Part 1535;

Section 3 The Company has prepared a preliminary estimate of cost which is attached as Exhibit B, to accomplish the proposed improvements which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost to complete the work outlined in Section 2 (a) should be paid 50% by the Grade Crossing Protection Fund (Fund), in an amount not to exceed \$69,371, with the Company paying all remaining installation costs as well as all future operation and maintenance costs;
- b) the cost to complete the work outlined in Section 2 (b) should be paid 100% by the Company, as well as all future maintenance costs;

Section 6 Special Provisions: The Company shall at six (6) month intervals from the date of Commission Order issued subsequent to this Agreement until the project is completed, file a written report with the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures of the project and the percentage of completion of the project. If the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty-four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24th month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company shall at six (6) month intervals from the date of Commission's Order subsequent to this Agreement, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of the Company employee responsible for management of the project.

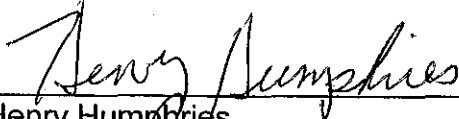
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 24th day of September, 2002.



Michael E. Stead
Railroad Safety Program Administrator

Attest:



Henry Humphries
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1015 concerning improvements at the Gordon Road highway/rail grade crossing of The Burlington Northern and Santa Fe Railway Company's main track, near Sugar Grove, Kane County, Illinois, designated as crossing AAR/DOT # 069 721U, Milepost 42.91-B.

Executed by the Road District this 27th day of SEPTEMBER 2002.

SUGAR GROVE TOWNSHIP ROAD
DISTRICT, KANE COUNTY

By: Greg J. Huggins

Attest:

Jim Peterson (Foreman)

Illinois Commerce Commission Stipulated Agreement No. 1015 concerning improvements at the Gordon Road highway/rail grade crossing of The Burlington Northern and Santa Fe Railway Company's main track, near Sugar Grove, Kane County, Illinois, designated as crossing AAR/DOT # 069 721U, Milepost 42.91-B.

Executed by the Company this 30TH day of September 2002.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY

By: Cheryl Tomlin

APPROVED AS TO FORM 10/3/02
Wlan
Burlington Northern Santa Fe Railway Company

Attest:

Greg N. Snyder

RECEIVED
OCT 10 2002

Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1015 concerning improvements at the Gordon Road highway/rail grade crossing of The Burlington Northern and Santa Fe Railway Company's main track, near Sugar Grove, Kane County, Illinois, designated as crossing AAR/DOT # 069 721U, Milepost 42.91-B.

Executed by the Department this 1st day of November 2002.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James H. Carter, Jr.
Director of Highways

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line BNSF Milepost 42.91-B Inventory # 069 721U
City (N) Sugar Grove Street Gordon Road County Kane
Jurisdiction Local Urban Rural XX Commercial Residential
Street Surface Asphalt Width 24' Condition Good
Angle 85° Tracks Tangent Yes Degree of Curve -- Superelevation --
Depth of Cut ----- Height of Fill -----

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>FDT</u>	<u>32'</u>	<u>Fair>>Poor</u>
<u> </u>	<u> </u>				<u>Crossing settled</u>
<u> </u>	<u> </u>				<u>2 ½";Timbers canted</u>
<u> </u>	<u> </u>				<u>in on field side</u>
<u> </u>	<u> </u>				<u>And split.</u>
<u> </u>	<u> </u>				
<u> </u>	<u> </u>				

Intersecting Roads 56' Prarie Street 200' None
Traffic Control Devices Present Stop Signs at Prarie Street
ADT 800 Speed not posted Statewide Yes
School buses Poss. Hazardous Materials Poss. Other
Rail Traffic: Ft. 32 @ 60 mph Pass. -- @ -- mph Switch
Simultaneous Movements No Daylight and Dark Yes
Present Warning Devices AFLS

Advance Warning Signs Yes Pavement Marking Yes

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		N/A	
NW	N/A		N/A	
SE	N/A		N/A	
SW	N/A		N/A	

Approach Grades

North	<u>Meets</u>	'	<u>92</u>	%	<u>Ill.</u>	'	<u>Adm.</u>	%	<u>Code</u>	'	<u>1535</u>	%
South	"	'	"	%	"	'	"	%	"	'	"	%

Comments: _____

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

GORDON LANE

Standard FI, Other FI
Reflect Xbuck
9.6' - cl of tr, 8.4' - eop

Control Box
26.8' - cl of tr, 31.0' - eop

Standard FI, Other FI
Reflect Xbuck
12.3' - cl of tr, 8.0' - eop

PRARIE STREET

24.0'

ROAD PROFILE

SCALE IN FEET

Crossing #: 069721U

Location: Kane Co., City of Sugar Grove (Near)

Lat/Long: 41°45'32" / 88°24'39"

Railroad: BNSF

Street: Gordon Road

Railroad Milepost: 42.91

Crossing Protection: Train Activated Devices

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

LOCATION	: EAST SUGAR GROVE	LINE SEGMENT	: 3	AFE NUMBER	:
PLANITEM NUMBER	: PSI069721U	MILEPOST	: 0042.91	RFA NUMBER	:
PROPERTY OF	: BNSF RAILWAY COMPANY	DIVISION	: CH	CPAR NUMBER	:
OPERATED BY	: BNSF RAILWAY COMPANY	SUBDIVISION	: AURORA	BUDGET YEAR	: 2002
JOINT FACILITY	: STATE OF ILLINOIS	TRACK TYPE	: 1	BUDGET CLASS	: 10
% BILLABLE (+/-)	: 100.00	TAX STATE	: IL COUNTY: KANE	REPORTING OFFICE	: 455
REQUESTER ID	: U088 - GREG GOY	MAFL DATE	:	SPONSOR	: VP ENGIN
PROJECT TYPE	: SGX	LOCATION CODE	: 381324	DEPT CODE	: MOWGH
DOT NUMBER	: 069721U			DERAILMENT CODE	:

PURPOSE, JUSTIFICATION AND DESCRIPTION

SIGNAL COST TO INSTALL NEW GATES, FLASHERS & BUNGALOW W/ CONSTANT WARNING CIRCUITRY AT
(GORDON LANE DOT069 721 U) IN SUGAR GROVE, IL L/S 0003 MP 43.91 ON THE CHICAGO DIV AURORA
SUBDIV.

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSE
ONLY.

THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS. DETAILED AND ACCURATE
MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF
RAILROAD.

THIS ESTIMATE IS GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST
FOR LABOR, MATERIAL, AND OVERHEAD.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING 100% OF THIS PROJECT.

MAINTAIN PROPRIETARY CONFIDENTIALITY.

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

	CASH	CAPITAL	NONCASH	CAPITAL	OPERATING	EXP	REMOVAL	COST	BILLABLE	TOTALS
LABOR COSTS	0		0		0		0		53,841	53,841
MATERIAL COSTS	0		0		0		0		59,289	59,289
OTHER COSTS	0		0		0		0		25,611	25,611
TOTALS	0		0		0		0		138,741	138,741

ENGINEERING SERVICES - KANSAS CITY
ESTIMATE REF. NUMBER : PSI069721U - 1--2S
COSTING DATE : 08/23/2002

PRINTED ON : 08/23/2002
ESTIMATED BY : POOR
PRINTED BY : POOR

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
8		400	9911	SIGNAL FIELD LABOR	840.00	0.0 MH	20,045			
* LABOR SUBTOTAL							20,045	0	0	0
1120	319	400	9911	BATTERY	1.0	LS N	3,783			
1120	319	400	9911	BUNGALOW 6X6	1.0	EA N	5,421			
1120	319	400	9911	BUNGALOW MATERIAL	1.0	LS N	6,141			
1120	319	400	9911	CABLE	1.0	LS N	1,388			
1120	319	400	9911	CHARGERS	1.0	LS N	904			
1120	319	400	9911	FIELD MATERIAL	1.0	LS N	5,270			
1120	319	400	9911	GATE KEEPER	2.0	EA N	3,512			
1120	319	400	9911	GATE MECH. MODEL 95	2.0	EA N	10,110			
1120	319	400	9911	GUARD RAIL. 1/2 OVAL	2.0	EA N	912			
1120	319	400	9911	HXP3R SYSTEM	1.0	EA N	13,080			
1120	319	400	9911	MISC MATERIAL	1.0	LS N	2,000			
1120	319	400	9911	ONE WAY SIDELIGHT ASSY	1.0	EA N	720			
1120	319	400	9911	RECORDER	1.0	EA N	1,838			
* MATERIAL SUBTOTAL							55,079	0	0	0
1120	367	400	9911	CONTRACT ENGR.	1.0	EA N	6,000			
1120	790	400	9911	FILL DIRT	25.0	CY N	625			
1120	790	400	9911	FLAGGING	1.0	LS N	2,000			
1120	434	400	9911	MACHINE RENTAL	1.0	LS N	3,120			
1120	790	400	9911	SURFACE ROCK	25.0	CY N	625			
* OTHER SUBTOTAL							12,370	0	0	0
* ADDITIVES										
PAYROLL ASSOCIATED COSTS							11,112			
EQUIPMENT EXPENSES							3,588			
DA LABOR OVERHEADS							12,560			
INSURANCE EXPENSES							3,161			
USE TAX							3,521			
OFFLINE TRANSPORTATION							689			
* GANG TOTAL							122,125	0	0	0
8		400	9911	SIGNAL SHOP LABOR	64.00	0.0 MH	1,341			
* LABOR SUBTOTAL							1,341	0	0	0
* ADDITIVES										
PAYROLL ASSOCIATED COSTS							743			
EQUIPMENT EXPENSES							240			
DA LABOR OVERHEADS							840			
INSURANCE EXPENSES							211			
* GANG TOTAL							3,375	0	0	0
PROJECT SUBTOTAL							125,500	0	0	0
CONTINGENCIES							12,550	0	0	0
BILL PREPARATION FEE							691	0	0	0
PROJECT GROSS COST							138,741	0	0	0
LESS COST PAID BY OTHERS							138,741	0	0	0
PROJECT NET COST							0	0	0	0

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

THE B. N. S. F. RAILWAY COMPANY
FHEM ESTIMATE FOR
STATE OF ILLINOIS

LOCATION: - EAST SUGAR GROVE DETAILS OF ESTIMATE PLAN ITEM: PSI069721U VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

SIGNAL COST TO INSTALL NEW GATES, FLASHERS & BUNGALOW W/ CONSTANT WARNING CIRCUITRY AT
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***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING 100% OF THIS PROJECT.

MAINTAIN PROPRIETARY CONFIDENTIALITY.

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

SIGNAL FIELD LABOR	840.00	MH	20,045	
SIGNAL SHOP LABOR	64.00	MH	1,341	
PAYROLL ASSOCIATED COSTS			11,855	
EQUIPMENT EXPENSES			3,828	
DA LABOR OVERHEADS			13,400	
INSURANCE EXPENSES			3,372	
TOTAL LABOR COST			53,841	53,841

MATERIAL				

BATTERY	1.00	LS N	3,783	
BUNGALOW 6X6	1.00	EA N	5,421	
BUNGALOW MATERIAL	1.00	LS N	6,141	
CABLE	1.00	LS N	1,388	
CHARGERS	1.00	LS N	904	
FIELD MATERIAL	1.00	LS N	5,270	
GATE KEEPER	2.00	EA N	3,512	
GATE MECH. MODEL 95	2.00	EA N	10,110	
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MISC MATERIAL	1.00	LS N	2,000	
ONE WAY SIDELIGHT ASSY	1.00	EA N	720	
RECORDER	1.00	EA N	1,838	
USE TAX			3,521	
OFFLINE TRANSPORTATION			689	
TOTAL MATERIAL COST			59,289	59,289

OTHER				

CONTRACT ENGR.	1.00	EA N	6,000	
FILL DIRT	25.00	CY N	625	
FLAGGING	1.00	LS N	2,000	
MACHINE RENTAL	1.00	LS N	3,120	
SURFACE ROCK	25.00	CY N	625	
TOTAL OTHER ITEMS COST			12,370	12,370
PROJECT SUBTOTAL				125,500
CONTINGENCIES				12,550

BILL PREPARATION FEE
GROSS PROJECT COST
LESS COST PAID BY BNSF

691

138,741
0

138,741

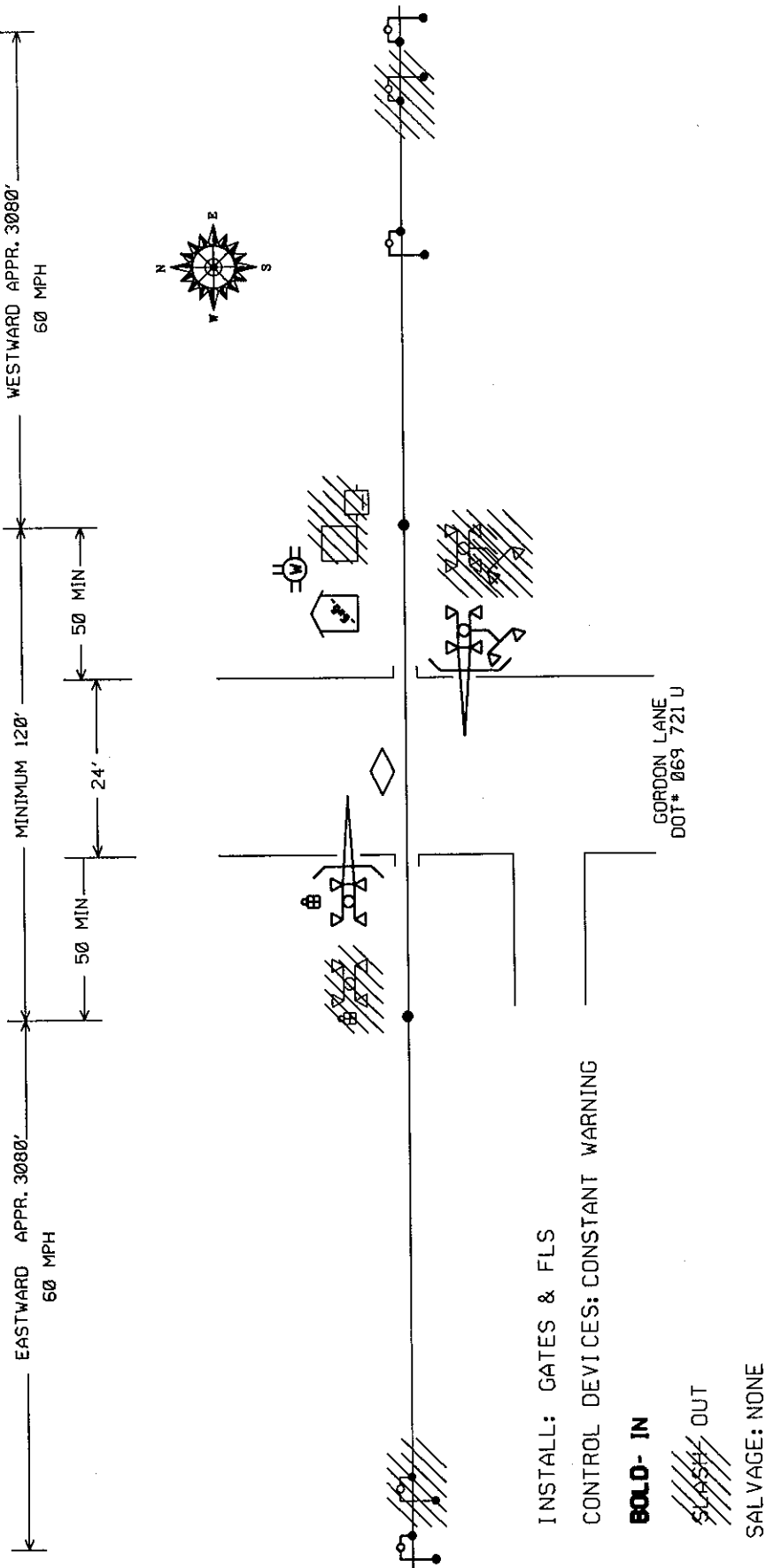
TOTAL BILLABLE COST

=====

TO LA CROSSE

The Burlington Northern & Santa Fe Railway Company

TO AURORA



INSTALL: GATES & FLS
CONTROL DEVICES: CONSTANT WARNING

BOLD- IN

~~CLASS~~ OUT

SALVAGE: NONE

- INSTRUMENT HOUSE
- BELL
- METER
- CROSSING CONTROL CONNECTIONS
- UNIDIRECTIONAL CROSSING CONTROL
- BIDIRECTIONAL CROSSING CONTROL
- COUPLER OR TERMINATION
- GUARD RAIL

Warning device placement:
Clearance to C.L. Track = Min. 12', Max. 20'
Edge of Road to C.L. Foundations:
Min. 4' with curb,
Min. 8' without curb,
Max. 12'
House Clearance:
25' Min. to C.L. of Track
30' Min. to Edge of Road
Front Lights:
30-15 Degree Lenses
Back and Side Lights: 70 Degree Lenses
Cantilever Jury Mast: 20-32 Degree Lenses

BNSF RAILWAY CO.
SUGAR GROVE, IL
GORDON LANE
LS 0003 AURORA SUBDIVISION
MP 42.91 CHICAGO DIVISION
DOT# 069 721 U
KANSAS CITY
NO SCALE
DATE: 8/23/02
FILE: 0003042_91.dgn MJ/TLP